

Public Hearing Regarding Proposed Changes to the Administrative Code

Alabama Electronic Security Board of Licensure
Administrative Code

Chapter 304-X-1-.01

Chapter 304-X-1-.03

Chapter 304-X-1-.04

Chapter 304-X-1-.06

Chapter 304-X-1-.11

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 304 Department or Agency Alabama Electronic Security Board of Licensure

Rule No. 304-X-1-.01

Rule Title: Definitions

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?

No

Does the proposed rule have an economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date June 10, 2021

REC'D & FILED

JUN 10 2021

A-2

LEGISLATIVE SVC AGENCY

APA-2

Alabama Electronic Security Board of Licensure

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.01 Definitions

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

In response to a Legal Compliance audit conducted by the Alabama Department of Examiners of Public Accounts, to amend in order to add clarifying definitions for late fees, fines, and penalties.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to: Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116

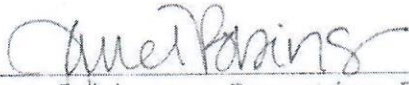
Public Hearing: Tuesday, August 10, 2021, 9:30 a.m., Hampton Inn & Suites, 7651 Eastchase Parkway, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 10, 2021

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388


Janet Robinson, Executive Director

ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE
ADMINISTRATIVE CODE

CHAPTER 304-X-1
INITIAL RULES

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304-X-1-.01 Definitions.

(1) Administrative Employee: A person who engages in clerical duties for a licensed company, whose work is restricted to office duties, and who has access to sensitive client information including, but not limited to, Social Security numbers, customer privacy codes, customer passwords, and similar information.

(2) Administrative Fee: A fee is charged to first time applicants, or those reapplying as first time applicants, or to licensees who wish to have a change of address or name, to cover the expenses of setting up applicants' data files.

(3) Administrative Management: Pertains to those individuals who may be an owner or in a management, administrative or clerical position who has access to personal and confidential records of clients and who shall register with the Board as Administrative. An individual who registers as Administrative shall not have direct contact with customers on a daily basis, may not enter client homes or businesses, must pass a criminal background check, and shall not be issued an AESBL ID card.

(4) Alarm Monitoring Company: Any person, company, corporation, partnership, or business, or a representative or agency thereof, authorized to provide alarm monitoring services for alarm systems or other similar electronic security systems whether the systems are maintained on commercial business property, public property, or individual residential property.

(5) Alarm System: Burglar alarms, security cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(6) Alarm Verification: A reasonable attempt by an alarm monitoring company to contact the alarm site or alarm user by telephone or other electronic means to determine whether an alarm signal is valid prior to requesting law enforcement to be dispatched to the location and, if the initial attempted contact is not made, a second reasonable attempt to make a contact utilizing a different telephone number or electronic address or number.

(7) Branch Office: An office established or maintained at some place other than the principal place of business as shown in the Board of Licensure records and is identified to the public at a place from which business of planning, installation, inspecting, repairing, and servicing alarm systems or locks used to protect against or detect burglary, theft, shoplifting, pilferage, or other losses is conducted on a regular basis.

(8) Branch Office License: A license granted by the Board of Licensure entitling a person to operate as a security service contractor of an alarm systems company or a locksmith company at a location other than the principal place of business shown in the Board of Licensure records.

(9) Burglar Alarm (B): An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

(10) Monitoring Station: A location where alarm signals are received as part of an alarm system and then relayed via operator to law enforcement officials.

(11) Certified Proctor: A proctor who supervises an exam within their discipline and has been previously approved as a proctor by the AESBL.

(12) Closed Circuit Television System (CCTV): A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters such as cameras to

receivers such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

(13) Conviction: The entry of a plea of guilty, a verdict rendered in open court by a judge or jury, a plea of nolo contendere, a plea of nolo contendere, a no contest plea, or a best interest plea that results in the imposition of a fine, prison sentence, or probation.

(14) Disciplinary Action: By affirmative vote of a quorum of the Board members, a disciplinary action may consist of; suspension or revocation of a license, imposing a sanction on a license, and/or a monetary penalty not to exceed one thousand dollars (\$1,000.00) per violation. A Board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.

(15) Electronic Access Control System (A): A system that is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

(16) Helper: Person whose responsibilities are limited while learning the alarm or locksmith business. An alarm Helper may not work without direct, on-the-job, supervision of a licensed Qualifying Agent or installer. An alarm Helper is limited to running wires during the installation of an alarm system. An alarm Helper may not install keypads or assign or program access codes. A locksmith Helper may not work without direct, on-the-job supervision of a licensed locksmith. A locksmith Helper may not change safe combinations or perform work on safe deposit boxes or vaults, nor may a locksmith Helper have access to key codes or customer keying files. Helpers are not subject to the educational requirement of 304-X-1-.05 of this code. A Helper is required to comply with all other sections of this code. No more than two (2) Helpers may be assigned to a licensed individual. Any individual previously fully licensed in their field with the required training cannot subsequently be licensed as a Helper. The licensing classification of Helper is limited to applicants who do not possess training certification.

(17) HVAC system: Heating, ventilation, or air conditioning devices or mechanisms to provide heating or cooling to

a building or other structure or the devices used to control the temperature of the heating or cooling devices in a building or other structure.

(18) Installation: The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

(19) License: A license granted by the Board of Licensure entitling a person to operate as a security services contractor; installer of burglar alarm systems (B), electronic access control systems (A), and /or closed circuit television systems (S); locksmith (L); salesperson (Sales); Monitoring Station (MS); helper (H); or administrative (Adm).

(20) Licensee: A person whose application has been approved by the Board of Licensure to perform the duties of a Qualifying Agent, burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), monitoring station operator (MS), salesperson (Sales), helper (H), or administrative (Adm).

(21) Lock: Mechanical or electronic device used to physically secure and control access to or egress from a structure or area, or used to control the use of a device; these uses include, but are not limited to, residential or commercial door hardware, motor vehicle locks, safes, safe deposit boxes, vaults, or electronic locking devices.

(22) Locksmith:

a. A person or business entity in a commercial, residential, or automotive setting that does any of the following for compensation or other consideration:

1. Repairs locks.
2. Rebuilds locks.
3. Rekeys locks.
4. Services locks.
5. Adjusts locks.
6. Installs locks or mechanical locking devices.
7. Installs or services egress controls devices.

8. Installs or services vaults and safety deposit boxes, including those services performed by safe technicians.

9. Creates or copies transponder keys and any other automotive keys and electronic operating devices connected to motor vehicles.

10. Creates or copies key fobs, proximity keys, smart keys, door and ignition key devices, or successive electronic or other high security key technology.

11. Uses any other method of bypassing a locking mechanism of any kind including, but not limited to, shimming a lock or picking and popping a lock.

b. The term does not include any of the following:

1. A person whose activities are limited to making a duplicate key of an existing key.

2. A person or business entity that does not advertise providing locksmith services to the public.

3. A person or business entity that is licensed by the board on the effective date of the act adding this amendatory language to install or service electronic access control systems, provided any lock being serviced or installed has electronic access control capabilities.

4. Police, fire, medical, or other government or emergency personnel performing activities within the scope of their official duties.

5. A person operating a licensed towing and recovery service.

(23) Identification Card: A pocket card of a size, design, and content determined by the Board of Licensure and carried by each employee of an alarm system or locksmith company, excluding administrative management and monitoring station employees.

(24) New Applicant: A registrant who is employed by a licensed company and who is a first time applicant for licensure or a person who fails to renew a license within thirty (30) days of the expiration date of their most recent license.

(25) Person: Includes, a person, firm, association, company, partnership, corporation, nonprofit corporation, institution, or similar entity.

(26) Proctored exam: An exam taken in front of a Certified Proctor who is present during the examination.

(27) Qualifying Agent: A person in a management position who is certified by the Board of Licensure and whose name and address have been registered with the Board of Licensure. This person is a Licensee. This person may be subject to disciplinary actions for the actions of individuals employed under their supervision.

(28) Registrant: A person who files an application for consideration of licensing by the Board of Licensure to perform the duties of a Qualifying Agent (QA), burglar alarms system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), monitoring station operator (MS), salesperson (Sales), helper, (H), or administrative (Adm).

(29) Salesperson: A person who, for financial compensation or in exchange for a thing of value, sells goods or services to the public on behalf of any company, business, or other entity that sells, services, or installs alarm services, CCTV systems, electronic access control systems, or mechanical locks.

(30) Service: Necessary repair in order to return the alarm system and/or lock to operational condition.

(31) Trainee: A registrant who applies as an alarm system installer, locksmith or salesperson and is granted six (6) months to complete the required certification training and pass the required proctored exam. Trainees must work under the direct, on-the-job supervision of a licensed individual.

(32) Late Fee: A fee of \$150.00 assessed to a company that has not submitted for renewal by December 31st of their expiration year, as evidenced by the postmark.

(33) Fine: A monetary fine assessed to a company for late renewal or non-renewal by both the March 31st deadline and the April 30th deadline of the year following their licensing expiration. This fine is set at \$500.00 per missed deadline.

(34) Penalty: A monetary penalty assessed to a company or an individual for an egregious act as determined by the Board.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed January 20, 1998; effective February 24, 1998. **Amended:** Filed April 26, 2000; effective

May 31, 2000. **Amended:** Filed May 25, 2004; effective
June 29, 2004. **Amended:** Filed November 13, 2007; effective
December 18, 2007. **Amended:** Filed November 21, 2008; effective
December 26, 2008. **Amended:** Filed February 18, 2010; effective
March 25, 2010. **Amended:** Filed August 20, 2010; effective
September 24, 2010. **Amended:** Filed August 15, 2011; effective
September 19, 2011. **Amended:** Filed May 28, 2013; effective
July 2, 2013. **Amended:** Filed November 19, 2013; effective December
24, 2013. **Amended:** Filed May 27, 2014; effective
July 1, 2014. **Amended:** Filed November 19, 2014; effective
December 24, 2014. **Amended:** Filed November 19, 2018; effective
January 3, 2019. **Amended:** Filed February 8, 2019; effective March
25, 2019. **Amended:** Filed June 10, 2021; effective _____.

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.03

Rule Title: Licensure Procedures

New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date June 10, 2021

REC'D & FILED

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JUN 10 2021

LEGISLATIVE SVC AGENCY

Alabama Electronic Security Board of Licensure

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.03 Licensure Procedures

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

In response to a Legal Compliance audit conducted by the Alabama Department of Examiners of Public Accounts, to amend in order to clarify language regarding fines and penalties, and to specify the date for expiration of licensing.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to: Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116

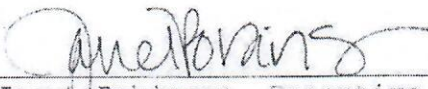
Public Hearing: Tuesday, August 10, 2021, 9:30 a.m., Hampton Inn & Suites, 7651 Eastchase Parkway, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 10, 2021

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388


Janet Robinson, Executive Director

304-X-1-.03 Licensure Procedures.

(1) Section 1 Company License

(a) No person operating an alarm system company or locksmith company may sell, install, monitor or otherwise operate in the state of Alabama without a license from the Board of Licensure.

(b) The company will complete an application and pay the necessary fees to the Board of Licensure and upon receipt of a license they can operate. The administrative fee and all other fines, penalties, and fees due at the time of the licensure application must be paid before an initial license or renewal license will be issued by the Board.

(c) The Board has ninety (90) days to act upon a complete application.

(d) No company license can be issued without submitting a complete company application and a complete application for the company's qualifying agent.

(1) A copy of the company's most recent business license issued by an Alabama city or county.

(2) A check, money order, or debit or credit card in the proper amount as prescribed in the application.

(3) Application must contain the physical address of the business.

(4) No license will be issued to a company unless the company files with the Board of Licensure evidence of a policy of liability insurance with limits of not less than two hundred fifty thousand dollars (\$250,000), said policy shall provide for certain coverage for both bodily injury or death of a person as result of the negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her employment, and for the injury to or destruction of property of others as the result of negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her agency and any other insurance required by law. The Licensee shall notify the Board of Licensure of any change in coverage by a 30 day notice to the Board of Licensure. The licensee's physical address shall be required on any certificate of insurance (or its equivalent) filed with the board. Failure to maintain liability insurance may subject the licensee to disciplinary action by the Board.

(e) A company must make application if it offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for motor vehicles or for residential or commercial use, or sells, installs, services, monitors burglar alarm systems or holds privacy codes of customers' burglar alarm systems, or sells, installs or services electronic access control systems or CCTV.

(f) A subcontractor must meet the licensing requirements of the Board of Licensure.

(g) Companies located out of the State of Alabama must obtain a "Certificate of Authority of a Foreign Corporation to Transact Business in Alabama" from the Alabama Secretary of State prior to submitting an application to the Electronic Security Board of Licensure.

(h) All licensed companies must have a physical location in the state of Alabama or; if no physical location in the State of Alabama, a registered agent that is capable of providing a Board inspector with Board requested information upon request.

(i) All personnel that install, sell, monitor or service burglar alarm systems (B), CCTV systems (S), monitoring station operators (MS), electronic access control systems (A), motor vehicle locks or mechanical locking hardware on behalf of the licensee, including but not limited to, installers, technicians, or locksmiths shall comply with the educational requirements in 304-X-1-.04.

(j) No licensee shall engage in business or advertise under a state issued license number regulated by this code under a name other than the name of the licensee which appears on the certificate issued by the Board of Licensure or in the name of the business entity which the licensee has registered with the Board of Licensure

(k) The license shall be issued for a prorated term of one year or a full term of two years, companies with a beginning letter of A-H renew in odd numbered years and I-Z companies renew in even years. Each license shall be renewed by the expiration date of the current license. The expiration date for both companies and individuals is December 31st of the second year of its licensing period. For companies A-H, and individuals licensed with their respective company, shall expire on December 31st in an even year. Companies I-Z, and individuals licensed with their respective company, shall expire on December 31st in an odd year. Failure to submit a renewal application by the licensee's designated expiration date (as evidenced by the postmark date) may result in

~~the company or individual having to reapply as a new applicant being assessed a late fee and/or fined by the Board. Renewal applications must include current proof of insurance for the company and training requirements for individuals.~~

~~(1) Failure to provide requested information within thirty (30) days after receiving notice of an incomplete application, shall result in the application being declare null and void. All fees paid related to said application are forfeited and the application process has to be reinitiated by the applicant.~~

~~(m)~~ (1) Following issuance, the company license shall be posted at all times in a conspicuous place in the place of business of the licensee. A license issued pursuant to this code shall not be assignable.

(2) **Section 2 Qualified Agent**

(a) Each physical location of a licensee shall be operated under the direction and control of a Qualifying Agent. No person shall act as a Qualifying Agent of a licensee until he or she has complied with each of the following:

1. Completed qualifying agent application, criminal background requirements and submitted all supporting documentation to the board.

2. Made a satisfactory showing to the Board that he or she has satisfied the qualifications prescribed in this code, by presenting proof of meeting the educational requirements in 304-X-1-.05.

(b) A Qualifying Agent may register with the Board of Licensure for only one business entity at any given time unless the Qualifying Agent owns 25% or more of each burglar alarm business being registered.

(c) It shall be unlawful and punishable for a person to make application to the Board as Qualifying Agent or to serve as manager of an alarm system company, locksmith or Monitoring Station, unless the person is a full time (in excess of 32 hours per week) employee of the entity for which the person serves as Qualifying Agent, and intends to maintain and maintains that supervisory position on a daily basis for the company.

(d) If the Qualifying Agent, who has been qualified as provided in this section, ceases to be Qualifying Agent, the licensee shall notify the Board of Licensure in writing within 10 days from each cessation. If notice is given, the license shall remain in force for up to 120 days. After which time, a new

Qualifying Agent must be in place. If the licensee has hired a replacement qualifying agent within 10 days, the licensee must submit a request to the Board in writing requesting an extension. An extension period may be granted at the discretion of the Board of Licensure. If notice is not given by the company, the company's license shall be subject to suspension or revocation immediately upon receipt of the information to the Board by a third party.

(e) Any individual with the designation of "qualifying agent" for a company, may be subject to disciplinary action for any employee's action in which they directly supervise their licensed activity.

(3) **Section 3 Applicants**

(a) An application for a license pursuant to this code shall be in the form prescribed by the Board of Licensure. All persons' applications shall include the following:

1. A properly completed application.
2. Supporting documentation of meeting training requirements when necessary.
3. A properly completed Alabama Law Enforcement Agency (ALEA) Form-46 (or its equivalent) and required processing fees for a criminal background report.
4. New and renewing Applicants must submit a properly completed ALEA Form-46 (or its equivalent) and Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report.
5. A nonresident licensee who is not physically working in the state, located more than 100 miles from the nearest state border, and whose duties are limited to administrative activity is exempt from the requirement of a criminal background check.
6. The Board will not deny a license for criminal convictions over seven years old unless the criminal conviction directly relates to the occupation or profession for which the license is sought. However, the Board may, if in its opinion it is warranted, require the applicant to submit a new criminal background check at the expiration of one year of the initial application.
7. A credit card, debit card, check or money order in the proper amount as prescribed in the application.

8. All applications must contain the physical address of the business.

9. All applications must be signed and notarized or witnessed by two individuals.

(b) A person who is employed to be a Qualifying Agent (QA), monitoring station operator (MS), burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), helper (H), administrative (ADM), or salesperson (Sales) shall submit the required paperwork and fees with to the Board of Licensure within ten (10) business days after the commencement of employment with a company engaged in activities regulated by this Chapter.

(c) Each applicant must pay all applicable fees to become licensed by the Board; said fee is due at the time of the licensure application.

(d) Licensing of a qualified applicant should be completed within six calendar weeks after the board receives all required paperwork from the applicant. This time frame may be extended during annual renewal.

(e) If complete paperwork is not received within 30 days of notification for incompleteness application shall be vacated and must be resubmitted.

(4) **Section 4 Branch Offices**

(a) A license or branch office license, when issued, shall be in the form prescribed by the Board of Licensure, and shall include the following:

1. The name of the licensee.
2. The name under which the licensee shall operate.
3. The number and date of the license.
4. Which classifications of work the licensee is licensed for.

(b) The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee. Each branch office license shall at all times be posted in a conspicuous place in each branch office of the business.

(c) Notification to the Board of Licensure shall be made within ten days after the change of address of the principal place

of business of a licensee, the change of address of a branch office, or the change of a business name under which a licensee does business. A licensee shall, within ten days after the change, notify the Board of Licensure of all changes of his or her address, the name under which he or she does business, and changes in its officers or partners.

(d) A branch office of a locksmith or alarm systems business shall be properly licensed. A separate license, stating the location and licensed qualifying agent, shall be posted at all times in a conspicuous place in each branch office. Every business covered pursuant to this code shall file in writing with the Board of Licensure the address of each of its branch offices, if any, within 10 working days after the establishment, closing, or changing of the location of a branch office. A licensed qualifying agent will be required for daily operations for each alarm system business branch office and be readily available to the registrants in the field.

(5) **Section 5 Monitoring Stations**

(a) Monitoring Station personnel in a stand-alone facility located in excess of one hundred (100) miles from the nearest Alabama border, whose only duty is Monitoring Station functions, are exempt from a mandatory background check, but the Board may require Social Security numbers and FBI fingerprint cards and may do random background checks.

(b) Any person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the monitoring of an alarm system for the public for any type of compensation or, any monitoring station, must, with each renewal application, submit a report which provides the following: (1) the name of the person or business entity that requested their accounts be monitored as a system installer or dealer and (2) the date the company began monitoring accounts on behalf of the system installer or dealer. Said reporting list shall include monitored accounts for persons or business entities who have requested monitoring of accounts in the State of Alabama only and said list shall not include the individual customer list for each system installer or dealer.

(c) All monitoring station personnel must have a person designated as an administrative person of record for the purposes of answering questions related to renewing licenses online.

(6) **Section 6 General Information**

(a) Each person holding itself out to do business as described in Code of Ala. 1975, Chapter 1A of Title 34, is required to be licensed.

(b) All companies must meet the requirements stated in the rules and regulations and statute before a license shall be issued by the Board, unless authorized or approved by the Board, no exceptions to the rules and regulations shall be granted and any exceptions that may have been previously granted or interpreted by the Board are hereby declared null and void.

(c) The failure of a person to be licensed in the classification in which he or she is working shall be subject to a monetary penalty (up to \$1,000.00 per violation) as determined by the Board.

(d) The Board does not make complete or partial refunds of any fees received.

(e) Newly hired employees of alarm companies in counties having a population of less than 30,000 inhabitants and meet the exemption requirements of Code of Ala. 1975, §34-1A-10 are considered New Applicants and must submit the completed forms and fees required for an ALEA and FBI criminal background report within ten (10) business days of employment.

(f) Notice of current licensed companies and disciplinary actions taken by the Board of Licensure shall be posted on the Board's web site: www.aesbl.alabama.gov.

(g) Information contained in alarm systems' records held by a governmental body concerning the location of an alarm system, the name of the occupant of alarm system location, or the type of alarm system used shall be confidential and disclosed only to the Board of Licensure or as otherwise required by law.

(h) A check returned for any reason as non-payable by the issuing bank, following the vote of the Board of Licensure, will result in a ~~fine~~ NSF fee of the maximum amount as set by state law, as well as denial of issuance of the license. Following a non-payable ~~fine~~ NSF fee, only a certified or cashier's check will be acceptable for payment of both the ~~fine~~ NSF fee and the license.

(i) A license issued under this code shall be subject to revocation or suspension if any licensee fails to disclose pertinent information on the initial or renewal application, misleads, or is untruthful during the application process, or has applied for the original license under false

pretenses. Any license may be subject to revocation if a person is convicted of a criminal offense during the license's term. A letter notifying the licensee of a pending suspension or revocation will be sent, via certified mail, to the last known address of the licensee subject to a suspension or revocation. The licensee shall have 15 days from receipt of written notification to respond in writing to the notice of suspension or revocation. On the 16th day of no response, the license shall be suspended or revoked without further notification. If the licensee responds within the stated time period, a formal hearing before a quorum of the Board of Licensure shall be held solely to address the issue of the immediate license suspension or revocation. Following the hearing a simple majority vote of a quorum of the board will determine whether the licensee's license shall be suspended or revoked.

(j) In compliance with the Military Family Jobs Opportunity Act of 2018, the application fee shall be waived for a spouse of an active duty reserve, or transitioning member of the United States Armed Forces, including the National Guard, or a surviving spouse of a service member who, at the time of his or her death, was serving on active duty, who is relocated to and stationed in the State of Alabama under official military orders. For the purposes of this section, a transitioning service member is a member of the United States Armed Forces, including the National Guard, on active duty status or on separation leave who is within 24 months of retirement.

(k) Failure to provide requested information within thirty (30) days after receiving notice of an incomplete employee application, shall result in the application being declare null and void. All fees paid related to said application are forfeited and the application process has to be reinitiated by the applicant.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed January 20, 1998; effective February 24, 1998. **Amended:** Filed April 26, 2000; effective May 31, 2000. **Amended:** Filed September 18, 2002; effective October 23, 2002. **Amended:** Filed May 25, 2004; effective June 29, 2004. **Amended:** Filed September 7, 2005; effective October 12, 2005. **Amended:** Filed November 13, 2007; effective December 18, 2007. **Amended:** Filed November 21, 2008; effective December 26, 2008. **Amended:** Filed February 18, 2010; effective March 25, 2010. **Amended:** Filed August 20, 2010; effective September 24, 2010.

Amended: Filed August 15, 2011; effective September 19, 2011.

Amended: Filed November 27, 2012; effective

January 1, 2013. **Amended:** Filed May 28, 2013; effective

July 2, 2013. **Amended:** Filed November 19, 2013; effective December 24, 2013. **Amended:** Filed May 27, 2014; effective

July 1, 2014. **Amended:** Filed November 19, 2014; effective December 24, 2014. **Amended:** Filed September 29, 2016; effective November 13,

2016. **Amended:** Filed November 19, 2018; effective January 3, 2019.

Amended: Filed March 6, 2020; effective July 13, 2020. **Amended:**

Filed June 10, 2021; effective _____.

Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.04

Rule Title: Fees

New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?

No

Does the proposed rule have an economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date June 10, 2021

REC'D & FILED

JUN 10 2021

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LEGISLATIVE SVC AGENCY

Alabama Electronic Security Board of Licensure

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.04 Fees

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

In response to a Legal Compliance audit conducted by the Alabama Department of Examiners of Public Accounts, to amend in order to clarify language regarding fines and penalties.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to: Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116


Public Hearing: Tuesday, August 10, 2021, 9:30 a.m., Hampton Inn & Suites, 7651 Eastchase Parkway, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 10, 2021

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388



Janet Robinson, Executive Director

304-X-1-.04 Fees.

(1) Fees are to be paid to the Board of Licensure by certified cashier's check, credit card, debit card, or by money order:

Administrative fee	\$150.00 One time fee upon the first application or late renewal
Partnership or Sole Proprietorship	\$150.00 Annually
Company or Corporation	\$200.00 Annually
Branch Location	\$200.00 Annually
Qualifying Agent (the person responsible)	\$ 25 Annually per classification, maximum \$75.00 Annually
Registrant	\$25.00 Annually
Lost/Replacement ID Card	\$12.50 Issued
Return Check	Maximum amount allowed by law
Monitoring Station Annual Fee	Company License Fee \$200.00, Plus \$12.50 per monitoring operator.

(2) Fees are to be paid to the Alabama Law Enforcement Agency (ALEA) by certified cashier's check, credit card, debit card, or money order:

Fee for processing New Applicant	
FBI criminal background report	Range from \$41.50 to \$61.00
Fee for processing renewing applicant for ALEA criminal background report	
	Range from \$25.00 to \$32.00

(3) NSF fee for returned check \$30.00 per check

~~(3)~~ (4) If applying for renewal licenses during the assigned renewal period and having been licensed during the most recent

licensing period, company and individual fees may qualify for a reduction in fees during the first six months of open renewals. With the exception of the \$150 administration fee, AESBL fees shall be reduced by 10% between June 1st and August 31st during a current renewal period, and by 5% between September 1st and November 30th. Beginning December 1st of a current renewal period, application fees will no longer be reduced. ALEA fees shall not be reduced during this time period.

~~(4)~~ (5) If the applicant fails to renew license within 30 days of expiration, he or she must reapply as a new applicant.

~~(5)~~ (6) Effective for licensing year 2015, when all licenses will be on a two-year basis, a new company or new applicant's fees will determine based on the date of the application according to the following schedule:

(a) If applying prior to or in the first six months of the two-year, the fees will double the annual fees.

(b) If applying in the second six months of the two-year term, the fees will be one and one-half times the annual fees.

(c) If applying in the third six months of the two-year term, the fees will be equal to the annual fees.

(d) If applying in the last six months of the two-year term, the fees will be one-half of the annual fees.

~~(6)~~ (7) All companies, unless specifically exempt by Chapter 1A of Title 34, Code of Ala. 1975, which sell, install, monitor or otherwise operate in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business in the State of Alabama must obtain a license from this Board in a timely manner or shall be subject to the following monetary ~~penalties~~ finest:

(a) Companies which are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business and do not renew a license by the licensee's designated expiration date (as evidenced by the postmark date) shall be required to ~~submit a new applicant application and shall~~ pay all applicable fees and/or fines.

(b) Companies which are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business and do not renew an expired license by March 31st of the current renewal period shall be assessed a \$500.00 penalty fine.

(c) Companies which are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith

business and do not renew an expired license by April 30th of the current renewal period shall be assessed an additional \$500.00 penalty fine.

(d) Monetary penalties fines may be imposed and collected by the staff.

(e) All monetary penalties fines must be individually approved by the Board at the next official Board meeting following staff notification.

(f) Following notice of an assessed monetary penalty fine, a licensee and/or Qualifying Agent (QA) must make a written and /or in person appeal of extenuating circumstances for non-licensure or late renewal to the Board at the next meeting. If no appeal is provided to the Board at its next official meeting, the monetary penalty fine shall be due and payable.

(g) The Board may reduce or cancel any monetary penalty fine following any appeal hearing.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed January 20, 1998; effective February 24, 1998. **Amended:** Filed April 26, 2000; effective May 31, 2000. **Amended:** Filed May 25, 2004; effective June 29, 2004. **Amended:** Filed November 13, 2007; effective December 18, 2007. **Amended:** Filed November 21, 2008; effective December 26, 2008. **Amended:** Filed February 18, 2010; effective March 25, 2010. **Amended:** Filed August 20, 2010; effective September 24, 2010. **Amended:** Filed November 14, 2011; effective December 19, 2011. **Amended:** Filed May 28, 2013; effective July 2, 2013. **Amended:** Filed November 19, 2013; effective December 24, 2013. **Amended:** Filed May 27, 2014; effective July 1, 2014. **Amended:** Filed November 19, 2014; effective December 24, 2014. **Amended:** Filed September 29, 2016; effective November 13, 2016. **Amended:** Filed November 19, 2018; effective January 3, 2019. **Amended:** August 9, 2019; effective September 23, 2019. **Amended:** Filed June 10, 2021; effective _____.

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.06

Rule Title: Exemptions

New ☒ Amend ☐ Repeal ☐ Adopt by Reference ☐

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date June 10, 2021

REC'D & FILED

JUN 10 2021

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Alabama Electronic Security Board of Licensure

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.06 Exemptions

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

To amend in order to add additional language to exemption procedures regarding letters of exemption.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to: Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116


Public Hearing: Tuesday, August 10, 2021, 9:30 a.m., Hampton Inn & Suites, 7651 Eastchase Parkway, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 10, 2021

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388



Janet Robinson, Executive Director

304-X-1-.06 Exemptions

(1) Pursuant to Code of Alabama 1975 34-1A-6, an exemption from the licensing and regulatory provision of this chapter may be granted to certain persons or entities.

(2) Those persons or entities may request a letter of exemption from the board by submitting the following:

(a) A letter of request shall be mailed to the board;

(b) A notarized affidavit stating with specificity the activities of the individual or the company or the entity and stating why said company or entity is exempt from licensure.

(c) The board shall review the request and render a decision at its next scheduled board meeting.

(d) If approved, a letter of exemption shall be mailed to the individual or entity. Said approval letter will include a statement that the individual or company may be subject to an injunctive action if the Board receives information that the company or individual is indeed engaged in non-exempt activity regulated by the board. The letter of exemption issued by the Board shall be signed by both the Board Chair and the Executive Director. The original letter of exemption will be kept on file at the Board's administrative office, and a copy of the letter will be mailed to the entity requesting the exemption.

(e) If the exemption is denied, the company or individual will have 30 days from the denial to appeal the action to the Montgomery County Alabama Circuit Court, pursuant to the Administrative Procedures Act, or must complete the requirements to become licensed within thirty (30) days or cease operation in the State of Alabama.

Author: Lynne Taunton

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed November 19, 2018; effective January 3, 2019. **Amended:** Filed June 10, 2021; effective _____.

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure
Rule No. 304-X-1-.11
Rule Title: Injunctive Relief and Recoupment of Costs
New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date June 10, 2021

REC'D & FILED

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JUN 10 2021

LEGISLATIVE SVC AGENCY

Alabama Electronic Security Board of Licensure

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.11 Injunctive Relief and
Recoupment of Costs

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

In response to a Legal Compliance audit conducted by the Alabama Department of Examiners of Public Accounts, to amend in order to clarify language regarding fines and penalties.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to: Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116

Public Hearing: Tuesday, August 10, 2021, 9:30 a.m., Hampton Inn & Suites, 7651 Eastchase Parkway, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 10, 2021

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388



Janet Robinson, Executive Director

304-X-1-.11

Injunctive Relief and Recoupment of Costs

(1) Any person or business entity that is not licensed by the board, or who has not renewed a license within the preceding 24 months, may be sued for injunctive relief in a court of competent jurisdiction.

(2) If the board obtains injunctive relief in a Court of Law, the individual or business entity shall be subject to a one thousand-dollar (\$1, 000.00) ~~fine~~ penalty for each instance of performing locksmith, alarm, CCTV, or other activity regulated by this Chapter, while unlicensed by the Board.

(3) In any civil or administrative action initiated by the board, the Board may seek court costs, reasonable attorney's fees, and reasonable investigatory fees that the board has incurred investigating a complaint, hearing a complaint, or negotiating the settlement of a complaint.

Author: Lynne Taunton

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed November 19, 2018; effective January 3, 2019. **Amended:** Filed June 10, 2021; effective _____.
